

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL A. CALIX,

Plaintiff,

vs.

ALBERTSONS, LLC,

Defendant.

2:14-cv-01392-RCJ-VCF

ORDER

This is a slip-and-fall case. Pending before the Court is Plaintiff's Motion for Partial Summary Judgment (ECF No. 20). For the reasons given herein, the Court denies the motion without prejudice and orders Defendant to properly allege its citizenship.

I. FACTS AND PROCEDURAL HISTORY

On or about June 29, 2013, Plaintiff Michael Calix slipped and fell on the wet floor near an indoor flower display on Defendant Albertsons, LLC's property at 1300 East Flamingo Road, Las Vegas, Nevada 89119. (Compl. ¶¶ 4, 10–11, ECF No. 1-1). Plaintiff sued Defendant for negligence in state court. Defendant removed, invoking the Court's diversity jurisdiction. Plaintiff has moved for partial summary judgment on the issues of duty and liability.

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1 **II. DISCUSSION**

2 The Court will not address the summary judgment motion at this time. Defendant has not
3 properly stated its own citizenship in the Notice of Removal, and the Court is therefore not
4 satisfied of its jurisdiction. The Complaint states only that Defendant is a foreign limited
5 liability company licensed to do business in Clark County, Nevada. The Notice of Removal
6 states:

7 At the commencement of this action and at all times herein, Defendant,
8 Albertsons, LLC[,] was, and now is, a limited liability company duly organized
9 and existing under the laws of the State of Delaware with its principal place of
business in Boise, Idaho, and therefore, is a citizen of the State of Delaware and
Idaho.

10 (*See* Notice Rem. ¶ 7, ECF No. 1). Although the facts stated may be correct, the legal
11 conclusion is not, and there are not enough facts stated for the Court to conclude that it has
12 jurisdiction. As a limited liability company, Defendant has the citizenship of each of its
13 members for the purposes of diversity jurisdiction; its place of registration and the locations of
14 its headquarters and principal place of business are irrelevant. *See Johnson v. Colombia Props.*
15 *Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006) (“[L]ike a partnership, an LLC is a citizen of
16 every state of which its owners/members are citizens.”). In order to invoke the Court’s diversity
17 jurisdiction, Defendant must allege the citizenships of each of its members, and if any of those
18 members are themselves limited liability companies, partnerships, or other types of
19 unincorporated associations, Defendant must allege their citizenships as well, etc.

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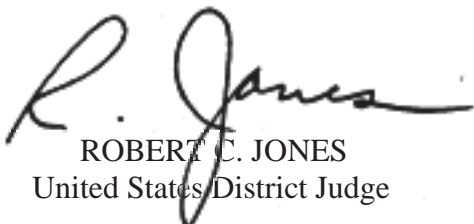
CONCLUSION

IT IS HEREBY ORDERED that the Motion for Partial Summary Judgment (ECF No. 20) is DENIED without prejudice.

IT IS FURTHER ORDERED that Defendant shall FILE a further statement of removal within fourteen (14) days of the entry of this order into the electronic docket.

IT IS SO ORDERED.

Dated this 9th day of November, 2015.


ROBERT C. JONES
United States District Judge